

DEPARTMENT OF SOCIAL SERVICES  
744 P Street, Sacramento, CA 95814

November 23, 1992

ALL-COUNTY LETTER NO. 92-102

TO: ALL COUNTY WELFARE DIRECTORS

Reason for this Transmittal

- ☐ State Law Change
- ☐ Federal Law Change
- ☒ Court Order or Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☐ Initiated by SDSS

SUBJECT: UPDATE ON IMPLEMENTATION OF MILLER v. CARLSON (NOW MILLER v. HEALY)  
LAWSUIT

REFERENCE: ALL-COUNTY LETTER (ACL) NO. 92-61

The purpose of this letter is to provide additional instructions for implementation of the Miller v. Carlson (now Miller v. Healy) lawsuit.

Beginning Date of Aid in Counties Which Provided Late Notification

On June 22, 1992, the State Department of Social Services (SDSS) issued All-County Letter (ACL) 92-61 which provided instructions to the counties for implementing the Interim Court Order. The ACL, pursuant to the court order, instructed the counties to begin notifying all Aid to Families with Dependent Children (AFDC) recipients of the availability of child care assistance prior to July 1, 1992. Some counties were not able to notify recipients until September 1, 1992.

In order to put recipients in counties in which the notice was delayed on equal footing with those recipients in counties in which the notice was mailed earlier, it will be necessary to use the following procedures:

1. Effective immediately, in counties which notified AFDC recipients of Non-GAIN Education and Training (NET) benefits when they sent AFDC checks for August (including those counties which sent August 1 checks prior to August 1) or after, the county will determine the number of days between the date when the NET benefits notice was mailed and the date the AFDC recipient submitted a complete application.
2. The county will review the application for completeness within 10 days of its receipt. (See the Submission of Verification with Request for NET Benefits section of this ACL for further information regarding the 10 day review process).

3. If the AFDC recipient is determined to be eligible and the application was submitted within four weeks from the date the county mailed the NET benefits notice, the number of days between the NET benefits notification and receipt of the complete application will be added to July 1, 1992 to determine the beginning date of NET benefits. If the application is received after the four-week period, the effective date will be the date on which the complete application was received by the county. For example, if your county mailed notices on August 1 and an AFDC recipient submitted a complete NET application on August 15, the beginning date of aid is July 15 (i.e., July 1 plus 14 days for the period from August 1 to August 15).

The beginning date of aid shall be either the date determined above or the date the recipient started school, whichever is later.

In counties which notified AFDC recipients prior to August 1, 1992, the procedures for determining the effective date of NET benefits as specified in ACL 92-61 will continue to apply, except as specified in the following paragraphs. NET benefits will be effective the date the complete application is received by the county.

Beginning Date of Aid in Counties Which Did Not Provide Applications Upon Request

Effective July 1, 1992, counties were to make applications for NET benefits available to recipients upon request. Counties in which applications were not available to recipients upon request will have to use the following procedures:

1. The county will determine the date of the recipient's original request for a NET application. In counties which established a waiting list for potential applicants, the date of the recipient's original request for a NET application is the date that the recipient's name was placed on the waiting list. In counties which did not establish a waiting list for potential applicants when applications were not available, the county shall consider any documentation or information presented by the recipient in establishing the date of the recipient's original request for an application. Counties shall accept the declaration or sworn statement of the applicant regarding the date an application was requested when there is no contradictory documentation or evidence.
2. If the date of the original request for an application fell within the timeframe in which applications were not available, the county will determine the number of days between the date the recipient received an application and the date the recipient submitted a completed application.
3. The county will add the number of days as determined in step #2 to the date of the recipient's original request for an application to determine the beginning date of aid.

The beginning date of aid shall be either the date determined above or the date the recipient started school, whichever is later.

For example, a recipient originally requested a NET application on August 20 and was told that applications were not available. The recipient then made a second request for an application on September 1 and received the application. The complete application was submitted by the recipient on September 11. The beginning date of aid for that recipient is August 30 (i.e., August 20 plus 10 days for the period from September 1 to September 11).

#### Coordination of NET and GAIN

AFDC recipients must not be discouraged from submitting a NET application on the basis of their potential eligibility for Greater Avenues for Independence (GAIN). NET applications should be accepted and processed pending determination of GAIN eligibility.

Within ten days of receipt of a NET application, the county must screen the application to determine whether the applicant can be enrolled in the GAIN program. If within the screening period, the county determines that the NET applicant can be scheduled for GAIN orientation and Self Initiated Program (SIP) approval within 45 days from the date of submission of the NET application, the county may deny the NET application and schedule the applicant for the GAIN orientation.

If within ten days of the submission of a NET application, the county cannot schedule the applicant for an orientation and SIP approval which will occur within 45 days of the application, the county may not deny the application based on GAIN eligibility and must process the application as quickly as possible for NET benefits.

Counties must schedule NET applicants for available GAIN orientations as quickly as possible. The 45 day limit for processing NET applications should not be treated as an acceptable waiting period for approving GAIN SIPs. NET applicants who are scheduled for GAIN orientation should be treated in the same way as other GAIN SIPs and should neither be given priority nor delayed as compared to other SIPs.

#### Availability of NET Information

In order to ensure that potential NET applicants are not turned away by staff unfamiliar with NET services, each county must inform appropriate staff, including but not limited to AFDC caseworkers, of the availability of NET benefits to AFDC recipients and the names and phone numbers of staff responsible for providing NET information. Counties must ensure that NET contact persons and assigned workers are in fact accessible and NET applications are readily available.

#### Submission of Verification with Request for NET Benefits

As specified in ACL 92-61, counties shall authorize NET benefits effective the date of receipt of a complete application or the date of actual eligibility for NET benefits, whichever is later. In order for an application to be considered complete, an applicant must submit verification of enrollment in his/her education

and training program. In addition, an applicant who is already attending an education and training program must submit verification that he/she is meeting the education and training provider's performance standards before the application can be considered complete.

In order to ensure that the importance of verification is absolutely clear to applicants, the following language has been added to the attached revision of the TEMP NET 2 Coversheet.

**"You need to provide the information below before your child care assistance can be approved. If you are eligible for child care assistance, you will receive child care assistance back to the day on which you give us this information."**

Give us verification of the following items in order to be approved for NET child care assistance:

- o Proof of enrollment in your education or training program. This information can be provided by your school's attendance officer, counselor or teacher. This information should say what program you are in and how long it will take to complete this program. It should also say whether you are enrolled part or full time.
- o If you are already attending the education or training activity, you need to provide proof that you are meeting the performance standards of the education or training program. Your teacher, counselor or other school officer can provide this information."

Counties may use the revised TEMP NET 2 Coversheet, incorporate the above language into their current coversheet, or include the above language as an attachment to their current coversheet.

Within 10 days of receipt of the Request for NET Benefits, counties shall review the Request for NET Benefits and shall send out a notice to the applicant specifying what additional verification must be provided. Only the enrollment and performance standard verification described on the TEMP NET 2 Coversheet are necessary for an application to be considered complete.

#### Prompt Payment of NET Child Care Assistance

Counties must not delay the processing of NET applications or payment of approved child care. Counties should try to approve NET applications within 30 calendar days, but have up to 45 calendar days from receipt of an application to grant or deny the application.

#### Advance Payment of NET Child Care Assistance

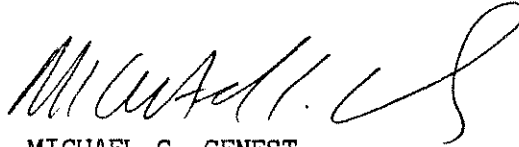
As specified in ACL 92-61 and the Interim Court Order, advance payments shall be made only to child care providers and shall be made to the extent that advance payments are available to GAIN participants. Advance payment of NET child care

assistance must be made to the child care provider whenever necessary and desired by the participant, so that the participant need not use his or her funds to pay for child care services.

Initial Funding for NET

An initial funding source for the NET program has been identified. The Department has executed an interagency agreement with the California Department of Education (CDE) for \$37.8 million in federal Child Care Block Grant funding for this purpose. Allocation letters for this funding have been mailed to each county.

If you have any questions regarding the implementation of the procedures specified in this letter, please contact the Employment Operations analyst assigned to your county.



MICHAEL C. GENEST  
Deputy Director  
Welfare Programs Division

Attachment

**REQUEST FOR NON-GAIN EDUCATION OR TRAINING (NET) CHILD CARE - COVERSHEET****What is NET?**

- NET may help you pay your child care costs while you attend your non-GAIN education or training program.
- You may get NET child care assistance for up to 24 months beginning with the first month you apply for NET benefits.
- You must be on AFDC and have child care costs for child(ren) in the AFDC assistance unit or receiving SSI or foster care under the age of 13 years unless your child(ren) need(s) special care.
- NET cannot be paid when the child care provider is under 18 years old, is a parent or legal guardian of the child, or a member of the AFDC assistance unit.
- You must be enrolled and making satisfactory progress in an education or training program that the county says will likely lead to a job.

**Your Rights:**

- To get a response to your written request for NET benefits within 45 days.
- To be told in writing when your application is approved or denied or your benefits change or stop.
- To choose the child care provider that is best for you and your child(ren). Child care providers must be licensed with the State of California unless they are exempt. Exempt means non-licensed care of your children by a friend, neighbor, or relative in your home or their home. The friend or neighbor may only care for your children and theirs without a license. Exempt care also includes after school programs provided by school districts at grammar schools.
- To ask for a state hearing if you disagree with any action taken by the county. If you ask for a hearing you shall be paid for child care services only at the level and in the form authorized by the county action under appeal.
- To be served without regard to race, color, national origin, religion, political affiliation, marital status, sex, handicap, or age. You may file a complaint if you feel you have been discriminated against.

**Your Responsibilities:**

**You need to provide the information below before your child care assistance can be approved. If you are eligible for child care assistance, you will receive child care assistance back to the day on which you give us this information.**

Give us verification of the following items in order to be approved for NET child care assistance.

- Proof of enrollment in your education or training program. This information can be provided by your school attendance officer, counselor or teacher. This information should say what program you are in and how long it will take to complete this program. It should also say whether you are enrolled part time or full time.
- If you are already attending the education or training activity, you need to provide proof that you are meeting the performance standards of the education or training program. Your teacher, counselor or other school officer can provide this information.

**You Must:**

- Choose a clean, healthy and safe environment for your child care.
- Give us the facts that we need and show proof of them as needed.
- Pay back any child care NET paid that you were not entitled to receive.

**NET Child Care Benefits May Stop If:**

- You are no longer eligible for AFDC.
- You stop your education or training program without a good reason.
- You do not complete your education or training program within 24 months.
- You stop attending your education or training program full-time without a good reason.
- You do not make satisfactory progress toward completing your education or training program.
- You become eligible for and able to receive GAIN program benefits.
- You no longer have an eligible child.

**Penalty Warning**

- Failure to report facts or giving wrong or incomplete facts to the NET program can result in legal prosecution with penalties of a fine, imprisonment, or both.